

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

Case No. 1:19-cr-388-JPH-DLP-01

v.

HENRY JONES

ORDER ON MOTION FOR  
SENTENCE REDUCTION UNDER  
18 U.S.C. § 3582(c)(1)(A)  
(COMPASSIONATE RELEASE)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission,

IT IS ORDERED that the motion is:


☐ DENIED.

☒ DENIED WITHOUT PREJUDICE. Defendant filed a pro se motion that the Court construes as a Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A). Defendant's motion does not provide the Court with sufficient information to determine whether it should grant compassionate release under § 3582(c)(1)(A). For example, while Defendant contends that he suffers from certain medical conditions that increase his risk of experiencing severe symptoms if he contracts COVID-19, he does not specify what conditions place him at increased risk from COVID-19. He also does not explain whether he received or been offered the COVID-19 vaccine, which would reduce his risk of contracting COVID-19. Such information is pertinent to the Court's evaluation of whether Defendant has presented an "extraordinary and compelling reason" warranting a sentence reduction under § 3582(c)(1)(A)(i). *See United States v. Broadfield*, 5 F.4th 801, 803 (7th Cir. 2021) ("The federal judiciary need not accept a prisoner's

self-diagnosed skepticism about the COVID-19 vaccines as an adequate explanation for remaining unvaccinated, when the responsible agencies all deem vaccination safe and effective. . . . A prisoner who can show that he is unable to receive or benefit from a vaccine may still turn to this statute, but, for the vast majority of prisoners, the availability of a vaccine makes it impossible to conclude that the risk of COVID-19 is an 'extraordinary and compelling' reason for immediate release."). Accordingly, Defendant's motion, dkt. [48], is **denied without prejudice**. If Defendant wishes to renew his motion, he may do so by completing and returning the attached form motion. (Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(1)(A) (Compassionate Release) (Pro Se Prisoner)). Among other things, the form requires Defendant to explain whether he has received or been offered the COVID-19 vaccine.

**SO ORDERED.**

Date: 10/4/2021

  
James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

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